

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JEFF BACHNER, :
: Plaintiff, :
: :
- against - :
: :
NATIONAL ACTION NETWORK, INC., :
: Defendant. :
-----X

19 Civ. 1714 (VM)

FILED:

7/31/19

CONDITIONAL
ORDER OF DISCONTINUANCE
WITHOUT PREJUDICE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated July 28, 2019, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, and do not object to the issuance of this Order, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date

within ten days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to terminate any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
30 July 2019



VICTOR MARRERO
U.S.D.J.



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July 28, 2019

VIA ECF

Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Bachner v. National Action Network, Inc. (1:19-cv-1714-VM)

Dear Judge Marrero,

We represent Plaintiff, Jeff Bachner, in the above captioned case. The parties have reached a settlement in principle and respectfully request that this Court administratively dismiss the action with leave to reopen the case in thirty (30) days from today's date if the parties have not submitted their final stipulation of dismissal by such time.

The Court's consideration is much appreciated.

Respectfully Submitted,

/s/Richard Liebowitz
Richard Liebowitz

Counsel for Plaintiff Jeff Bachner